

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE M.GANGA RAO

WRIT PETITION NO.14935 OF 2014

ORDER: (per SK,J)

The erstwhile Government of Andhra Pradesh and its authorities in the Forest Department filed this writ petition assailing the order dated 24.02.2014 passed by the Andhra Pradesh Administrative Tribunal, Hyderabad, in O.A.No.5080 of 2011. The said O.A. was filed by the first respondent herein challenging the order dated 14.06.2011 passed by the Divisional Forest Officer, Karimnagar West Division, Karimnagar District, discharging her from post of a Junior Assistant. By the order dated 24.02.2014, the Tribunal noted that the impugned order dated 14.06.2011 had been issued by the Divisional Forest Officer concerned without conducting any enquiry as per rules and accordingly set it aside. Liberty was however granted to the authorities to pass orders afresh in accordance with the rules. Despite that liberty, the authorities chose to file this writ petition and obtained interim suspension of the order under challenge on 30.06.2014.

W.V.M.P.No.2223 of 2014 was filed by the first respondent to vacate the aforestated order.

Heard the learned Government Pleader for Services, State of Telangana, for the petitioners, and Sri P.V.Ramana, learned counsel for the first respondent-applicant.

The discharge of the first respondent from service was on the ground that she did not possess the requisite qualification to aspire for compassionate appointment as a Junior Assistant upon the death of her husband, a Deputy Range Officer in the Forest Department.

According to Sri P.V.Ramana, learned counsel, the requisite qualification is Intermediate and the first respondent possesses a B.A. Degree certificate from Kalinga University, Orissa. He would further assert that the genuineness of that certificate was also verified by the authorities and the Registrar of the University, under letter dated 19.03.2010, confirmed its veracity.

It appears that the University was de-notified pursuant to the order of the Supreme Court of India but only with effect from 11.02.2005. The degree awarded to the first respondent was dated 09.02.2005 and would therefore not be hit by the later development. In any event, the Tribunal found that the discharge of the petitioner in relation to this issue was resorted to without even initiating any enquiry in accordance with the rules. It is on this basis that the Tribunal interfered in the matter and granted relief to the first respondent. The Tribunal also made it clear that the said order would not preclude the authorities from passing orders afresh in accordance with the rules.

This being the fact situation, we are at a loss to understand as to why the authorities failed to take advantage of the liberty granted by the Tribunal instead of keeping the matter on hold for all these years. When the order proposed to be passed against the first respondent had an adverse civil impact upon her, she necessarily had to be given due opportunity of hearing. Further, when the rules postulate that an enquiry should be conducted before any such adverse order could be passed against her, the authorities were bound to adhere to the said procedure. In the case on hand, it is not in dispute that the discharge order dated 14.06.2011 was passed without following the due procedure. We

therefore find no grounds to interfere with the order passed by the Tribunal holding to this effect and granting relief to the first respondent.

The writ petition is accordingly dismissed reiterating the liberty granted to the authorities to proceed in the matter afresh, if warranted, in accordance with the rules.

Interim order dated 30.06.2014 shall stand vacated. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

SANJAY KUMAR,J

M.GANGA RAO,J

Date:24.09.2018

GJ

